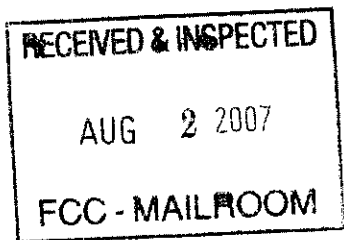




Reaching New England with the Truth



July 31, 2007

VIA EXPRESS MAIL

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

**In Re: Petition of Faith Christian Center, Inc. For Exemption from Closed Captioning
Rules CGB-CC- 0688 ("Petition")**

**Response of Petitioner, Faith Christian Center, Inc., to Opposition Filed by
Telecommunications for the Deaf and Hard of Hearing, Inc., et al.**

Dear Ms. Dortch:

Faith Christian Center, Inc., Petitioner in the above matter, files this response to an opposition submitted by Telecommunications for the Deaf and Hard of Hearing, Inc., et al.

Background.

On March 7, 2007, Faith Christian Center, Inc. ("Petitioner") filed a petition (the "Petition") seeking exemption from the Commission's closed captioning requirements for its program "Catch the Truth" (the Program). On July 5, 2007 an opposition to the Petition (the "Opposition") was filed by Telecommunications for the Deaf and Hard of Hearing, Inc., National Association for the Deaf, Deaf and Hard of Hearing Consumer Advocacy Network, Hearing Loss Association of America, Association of Late-Deafened

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Adults, Inc., American Association of People with Disabilities, and California Coalition of Agencies Serving the Deaf and Hard of Hearing (collectively, "Commenters"). On July 25, 2007, the Petitioner filed a request to extend the time in which it had to respond to the Opposition, which request had the consent of the Commenters.

The Opposition

The primary basis for the opposition is the claim that the Petition fails to "demonstrate" that the compliance would impose an undue burden. The Opposition further argues that the Petition does not contain a detailed, full showing, supported by affidavit, of any facts or considerations relied on by the petitioner and that it fails to show available alternatives to closed captioning.

Furthermore, the Opposition argues that the Memorandum and Opinion of the Consumer & Governmental Affairs Bureau *In The Matter of Anglers for Christ Ministries, Inc., et.al.*, DA 06-1802 does not apply to the Petition and that the Petitioner has not complied with the standard of *Anglers*.

The Response

1. The Nature and Cost of the Closed Captioning: The Petition states that for 2006 the cost of the closed captioning was \$8,855. The cost for each show was \$200. Petitioner did solicit other sources for the captioning. These solicitations were by telephone and via the internet. The range of pricing obtained was between Aberdeen's \$200 per show and \$354 per show. Copies of email correspondence containing some of the prices are attached hereto.

2. Efforts to Recoup Closed Captioning Costs: The Petition sets forth that the Petitioner is a non-profit, religious corporation. It has solicited from viewers (as well as its congregation) voluntary financial support to defray the costs of producing the Program. The Petition states that it received \$11,053.88 in support for 2005 and \$8,920.20 for support in 2006. These figures are supported by the Affidavit of John L. Pfeffer, Jr. attached to the Petition. The Petition further states that as a non-profit religious institution it is not appropriate to sell advertising. Contributions for support of the Program are solicited on the basis that it is viewer supported. To indicate that any portion of the Program is made possible by commercial advertising would undercut the non-commercial basis for the viewer support. The only other means for offsetting the captioning expense would be to solicit charitable contributions for that purpose. Because the Program is produced by a Christian church, government or corporate support is not available as such support is not considered as "charitable" but is religious in nature. The government cannot and most corporations will not support a particular religious organization.

3. Financial Resources of the Provider: The Petition submits financial information regarding the revenue and expenses related to the Program. This information shows that the Program has had a net cost to the Petitioner of \$119,202 in 2005 and \$124,416.47 in

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2006. The Objection argues that the Petition does not reveal other financial resources available for the Program costs.

First, Petitioner believes that the Program fits exactly within the *Anglers* Exemption Order. As with the petitioners in *Anglers*, the Petitioner is a religious, non-profit organization and the Program is in furtherance of these purposes. The Program is not produced for commercial purposes but for religious purposes. The Program is not remunerative in itself, and the Petitioner is paying for its exhibition.

Second, in the event that *Anglers* is reversed, Petitioner maintains that the closed captioning requirements adversely affect the Petitioner's operations. Petitioner's revenue comes almost exclusively from voluntary contributions from its members. For 2006 Petitioner's income was \$2,250,728, and its total expenditures were \$ 2,052,541. Of its income, all but \$162,000 was from charitable contributions, and of the non-charitable income \$140,000 was tuition payments for Petitioner's elementary school. All of the expenditures were either administrative expenses or charitable, religious purposes. The net difference between income and expenditures of \$198,187 is being used during 2007 for further charitable or religious purposes. Therefore, the cost of closed captioning would divert those resources from the Petitioner's charitable and religious purposes, which include supporting a men's homeless shelter, ministries that work with people living on the streets, and a children's ministry in New York City that helps street children. In addition the Petitioner's resources also support 44 foreign and domestic missionaries. Therefore, the denial of the Petition would divert approximately \$9,000 annually from one or more of these programs.

Third, the Opposition argues that the exemption should not be granted simply because a portion of the revenue is derived from charitable contributions. The Opposition cites *In the Matter of Greenwood Acres Baptist Church Licensee of AM Broadcast Station KASO located in Minden, Louisiana*, Memorandum Opinion and Order, DA 07-322 (EB 2007). The Petitioner's revenue instead of constituting only a portion is derived almost exclusively from charitable contributions. In addition, the Petition is distinguishable from the *Greenwood* matter. The Petition involves a request to be exempt from a requirement of the Commission's rules on the basis of the effect these rules have on its operations. In *Greenwood*, the issue was the ability to pay a forfeiture order for non-compliance with the Commission's rules. As *Greenwood* indicates, the financial information supporting the claim for financial hardship regarding payment of a forfeiture order requires a higher level of financial evidence of its condition, e.g. federal tax returns or financial statements prepared according to generally acceptable accounting procedures. A petition for exemption from closed captioning does not require the same level of financial information

4. Impact on the Operation: As to the impact that closed captioning has on the Program, the Petitioner believes that it has addressed this issue in the Petition.

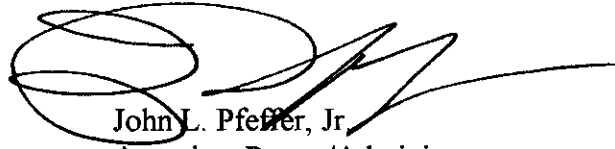
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For the foregoing reasons together with those set forth in the Petition, the Petitioner respectfully requests the exemption sought in the Petition

Sincerely yours,

A handwritten signature in black ink, appearing to read "John L. Pfeffer, Jr.", with a long horizontal flourish extending to the right.

John L. Pfeffer, Jr.
Associate Pastor/Administrator

W: enc.

Cc: Daniel C. Burt, Esq., w: enc

Certificate of Service

I, John L. Pfeffer, Jr., hereby certify that on July 31, 2007 a complete and accurate copy of the foregoing letter response to the objection filed by the Commenters has been sent via first class mail, postage prepaid to:

Counsel for the Commenters
Danielle C. Burt, Esq.,
Bingham McCutchen, LLP,
2020 K. Street, N.W.
Washington, DC. 2006-01806.

July 31, 2007



John L. Pfeffer, Jr.

Subject: FW: dubbing information
Date: Friday, January 6, 2006 12:15:13 PM
From: kpoland@wpri.com
To: FaithCCMedia@aol.com
cc: dmarquard@faithchristiancenter.org, fire@ids.net, dmfcc@cox.net, fcc@ids.net

Hi Pastor David and Mike....please see below....we received this email – I am not sure of who this company is but you may want to check them out.

Thanks!

Kimberly

Kimberly J. Poland, Account Executive
WPRI Channel 12 Providence
(401) 228-1783
kpoland@wpri.com

Please pass this information on to your long form clients.

-----Original Message-----

From: Liam Webb [mailto:liam@nationalmediaconnection.com]
Sent: Friday, January 06, 2006 11:47 AM
To: Andrea Nunes
Subject: Happy New Year!

Hope this email finds you in good health and spirits in the New Year! Please see below for some useful information.

National Media Connection will Close Caption your clients' shows for only \$200 per half-hour show captioned. This includes transcription, and we'll provide you with a transcript of the show upon its completion with the beta master. There will be a \$30 charge per beta sp, which includes the master. So that's \$230 for the first captioned beta sp master and then only \$30 per dub of that particular show. Satisfaction is guaranteed and we also have dubbing capabilities in-house allowing us to provide quick turnaround of both your CC and as many dubs as you need.

We'll put forth great effort to ensure that your shows are done in a timely manner with the level of professionalism your clients deserve, and we guarantee this satisfaction. We take pride in providing the best possible customer service. If we say it, it will get done.

Thanks again, we look forward to the opportunity to work with you and your clients.

Matt Goldreich
National Media Connection
Phone: 860-437-3707

VISUAL AUDIO CAPTIONING

October 7, 2005

Faith Christian Church (the Client), desires to close caption approximately one program per week. Each program is not greater than 30 minutes in length. The master copies of these programs will be provided to Visual Audio Captioning (VAC) on DVC Pro tapes.

The Client will also provide to VAC a copy of the program on VHS with a burned-in timecode that matches the timecode on the DVC Pro master. If the Client cannot provide this tape, VAC can perform this step for an additional fee not included in this quote.

VAC will create closed captions (either in pop-on or roll-up style) and encode them to a captioned master in DVC Pro format. Turn-around time on captioning typically will be 7-10 calendar days, beginning with VAC's receipt of the initial master tape and ending when the captioned master is shipped to the Client.

All shipping of master tapes to and from VAC will be at the Client's expense with no VAC mark-up or handling charges.

Price:

Option A - Pop-on captioning - \$354 (plus shipping) per 30 minute program.

Option B - Roll-up captioning - \$318 (plus shipping) per 30 minute program.

This quote is valid for a period of 90 days from October 7, 2005.

Authorized Representative: Signed-Jeff Helminiak, Manager, Offline Captioning

Subj: Re: prices
Date: Tuesday, December 6, 2005 4:26:31 PM
From: wGallant@CCmaker.com
To: faithccmedia@aol.com

Hi, sounds like a plan.

The \$200 includes transcribing, tape and shipping.

If you can supply the script, subtract \$30.

My transcribers will do their best and I'll email it to you for proofing before we make the CC master.

You can your original back unaltered.

Please include a check with the tape.

I think a lot of churches are going to do this for a few weeks going into the new year while they make plans.

Walter Gallant
ClosedCaption Maker
822 Guilford Avenue #148
Baltimore MD 21202
1-800-527-0551

At 03:28 PM 12/6/2005, you wrote:

>I think I will need to send you the first 2 tapes. Beta sp will

>work. Do you want a check up front?

>Does the \$200 cover shipping back here? and do I get the original back?

>Mike

>

>-----Original Message-----

>From: Walter J. Gallant <wGallant@CCmaker.com>

>To: faithccmedia@aol.com

>Sent: Thu, 01 Dec 2005 13:31:21 -0500

>Subject: Re: prices

>

> We can use your DVCpro as a source and create a BetaSP or DVcam master.

>

>You can play DVCpro tapes on a DVcam deck.

>

>We do this, your video stay in component throughout the whole process.

>

>walter

>

>At 01:22 PM 12/1/2005, you wrote:

> >can you work with a dvc pro master?

> >thats what I'm using.

> >Mike

>>

> >-----Original Message-----

> >From: Walter J. Gallant <wGallant@CCmaker.com>

Subject: Happy New Year!

Hope this email finds you in good health and spirits in the New Year! Please see below for some useful information.

National Media Connection will Close Caption your clients' shows for only \$200 per half-hour show captioned. This includes transcription, and we'll provide you with a transcript of the show upon its completion with the beta master. There will be a \$30 charge per beta sp, which includes the master. So that's \$230 for the first captioned beta sp master and then only \$30 per dub of that particular show. Satisfaction is guaranteed and we also have dubbing capabilities in-house allowing us to provide quick turnaround of both your CC and as many dubs as you need.

We'll put forth great effort to ensure that your shows are done in a timely manner with the level of professionalism your clients deserve, and we guarantee this satisfaction. We take pride in providing the best possible customer service. If we say it, it will get done.

Thanks again, we look forward to the opportunity to work with you and your clients.

Matt Goldreich

National Media Connection

Phone: 860-437-3707

Email: matt@nationalmediaconnection.com

Website: www.nationalmediaconnection.com <<http://www.nationalmediaconnection.com/>>

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